

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

ROBBIE EMERY BURKE, as Special
Administratrix for the Estate of MITCHELL
LEE GODSEY, deceased,

Plaintiff,

vs.

VIC REGALADO, in his official capacity,
et al.,

Defendants.

Case No. 18-CV-231-GKF-FHM

OPINION AND ORDER

Defendant Vic Regalado's Motion to Compel, [Dkt. 71], is before the court for decision. Since the motion was filed, Plaintiff served Supplemental Answers to the contested interrogatories. [Dkt. 74-1]. Plaintiff contends the supplemental answers render the motion moot. [Dkt. 74, p. 1]. In reply, Defendant outlined what he contends are deficiencies in Plaintiff's discovery responses. [Dkt. 77]. The court will address the contentions contained in Defendant's reply brief.

For all but one of the contested supplemental interrogatory answers, Defendant states:

To the extent Plaintiff's response supplements, but does not supplant, Plaintiff's answers to Interrogatory no. [], Plaintiff's response is deficient for the reasons set forth in the motion to compel.

[Dkt. 77, p. 2, 4, 5]. The court does not understand what Defendant means by this statement. Therefore no order will be made with respect to Interrogatory Nos. 8, 9, 10, 11, 12, 20.

Interrogatory No. 7

The court finds that Plaintiff has sufficiently answered Interrogatory No. 7. Defendant appears to contend that the Interrogatory answers are not sufficient to establish Plaintiff's case against him. Plaintiff is not required to defend the sufficiency of her case in answer to interrogatories.

Interrogatory No. 13

Plaintiff is required to identify each instance she contends Mr. Godsey experienced "seizure activity," "low blood sugar," was unresponsive, or in a "catatonic" state while in the jail. Plaintiff's response is due on or before February 19, 2020.

Interrogatory No. 17

The court finds that Plaintiff has sufficiently answered this interrogatory.

Interrogatory No. 18

Plaintiff is required to supplement this interrogatory answer on or before February 19, 2020.

Conclusion

Defendant Vic Regalado's Motion to Compel, [Dkt. 71], is Granted in Part as set out herein.

SO ORDERED this 4th day of February, 2020.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE